

REMARKS

In the Office Action mailed March 18, 2008, the Examiner noted that claims 67-110 were pending and rejected claims 67-110. Claims 70, 77, 90 and 103 have been cancelled, claims 67, 72-75, 790-81, 84-46, 88, 92-94, 97-101 and 105-110 have been amended. Therefore, claims 67-69, 71-76, 78-89, 91-102 and 104-110 are pending and reconsideration is requested. The Examiner's rejections are traversed below.

Clarification Requested

The Examiner on the "Office Action Summary" page appears to believe that only claims 67-110 exist in this case. Claims 1-66 have not been cancelled only restricted. Clarification of the record is requested.

On page 2 the Examiner asserted an anticipation rejection of the claims over Cozza. However, in the specifics of the rejection on pages 2 and 3, the Examiner appears to be discussing Arnold. Clarification of the rejection is requested.

Consideration of Previously Presented Argument Requested

On page 5, in the "REMARKS" the Examiner references arguments filed on 12/03/07. There were no arguments filed on that date but rather a response to a restriction requirement.

Further down on the same page the Examiner asserted:

...Applicant argues that:
Arnold says nothing about "a storage device storing files and a file stored in said storage device is infected with a virus". The Examiner respectfully disagrees with Applicant's characterization of the prior art.

The last filed set of arguments were filed on July 3, 2007 and the Examiner has mischaracterized the applicant's arguments therein. The argument, after quoting from Arnold, actually stated:

First, as can be seen Arnold is dealing with decoy programs not files. Second, as can also be seen, Arnold relies on comparing checksums or comparing the decoy programs directly. Third, as can be seen Arnold says nothing about "a storage device storing files" or "a virus scanner detecting if a file stored in said storage device is infected with a virus" or "a saving unit saving a detected virus-infected file into a specific area within said storage device" as recited in claim 52 much less about the features of independent claims 57, 62 and 110, the features of independent claims 67, 75, 88, 94, 101, 107 and 108, the features of independent claims 72, 79, 84, 85, 92, 97, 98 and 105 and the features of independent claim 109, or about the features of the dependent claims such as claim 70.

(See 7/3/7 Amendment, page 31)

The Examiner is requested to re-review the argument about Arnold presented on pages 30 and 31 of the Amendment filed 7/3/7 and address the argument actually presented which is reasserted.

Current Rejections

On page 2 of the Office Action, the Examiner rejected claims 67-110 under 35 U.S.C. § 102 as anticipated by Cozza. Page 3 of the Office Action rejects claims 67-110 under 35 U.S.C. § 103 over Arnold and Cozza.

On page 3 of the Action, the Examiner appears to have asserted equivalence between isolating a virus in a decoy file and quarantining a file. It is submitted that these are not the same. The quarantining of a file helps prevent a user from accessing the file that contains the virus and accidentally re-infecting the system with the virus therein and thus improves the chance that further problems will not result. Isolating the virus does not do this as the user may still have access to the file and thus the chance of re-infection is not as reduced. Isolating the virus, thus, does not provide the same improved benefit. Withdrawal of the anticipation rejection for this reason is requested

On page 4 of the Action, the Examiner appears to equate storing "initial state information concerning the file or volume which is being examined for a virus is stored in a cache" with storing the detected virus infected file in a specific storage area within the storage device. These are not equivalent. The storing of the initial state information anywhere, even in a cache, provides no protection from re-infection. That is, the file that is infected is still infected and still accessible in its normal place and, thus, the risk of re-infection is not reduced. In contrast, by moving the file to a specific storage area, which the system can be programmed to avoid, the risk of re-infection is reduced. Merely storing the initial state information in a cache does not provide this benefit.

Claim 67 has also been amended to emphasize "a converting device converting the quarantined file into encoded data" as in col. 20, lines 51-61 of 5,918,008. This provides further protection from re-infection because the file must be decoded.

Claims 72, 75, 79, 81, 84, 88, 92, 94, 97, 98, 101, 105 and 107-110 also emphasize a somewhat similar feature and are submitted to be patentable for the reasons discussed above.

Withdrawal of the rejections is requested.

It is submitted that the independent claims distinguish over the prior art and withdrawal of

the rejection is requested.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: September 18, 2008

By: /J. Randall Beckers/
J. Randall Beckers
Registration No. 30,358

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501